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09/677,302	09/29/2000	Richard Robb	1010/202	1774

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EXAMINER

AKERS, GEOFFREY R

ART UNIT

PAPER NUMBER

2164

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/677302

Applicant(s)

Robb

Examiner

Akers, G

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. 1.136(d)).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may result in loss of earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12/7/01
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in reply to applicant's Response filed 12/7/01(Paper #5).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6,13-18,20-25 are rejected under 35 USC 103(a) as unpatentable over Mori(US Pat. No: 6,044,363).
4. As per claim 1 Mori teaches a process for auctioning services requested by a buyer, comprising the steps of the buyer submitting a service request to a broker for auctioning(col 1 lines 47-58) the buyer specifying at the start of the auction the number N of best bids to be considered from the auction(col 1 line 59-col 2 line 7)(col 14 lines 10-34) the broker making the number N available to bidders(col 2 lines 1-3) the broker notifying the buyer of the identities of the N lowest bids(col 2 lines 8-12)(col 2 line 63-col 3 line 3) and the buyer selecting a bidder from one of the N lowest bids or choosing not to execute the job(col 2 line 4).Mori teaches that N can be a number up to 8(col 2 line 2) rather than any number. It would have been obvious to one skilled in the art

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at the time of the invention to allow N to vary arbitrarily. The motivation for this is to provide the widest possible auction for bidders and sellers.

5. As per claim 2 Mori teaches a process as in claim 1, wherein the broker does not allow the buyer to consider any bids greater than the Nth bid(col 2 line 2).

6. As per claim 3 Mori teaches a process as in claim 1, wherein the bidders can bid any amount. Mori teaches that bidders must beat an outstanding bid by more than a predetermined amount. Mori teaches that there is a bid charge associated with each bid made by the member(col 15 lines 2-4). Mori teaches a bid increment(Fig 19/2010). It would have been obvious to one skilled in the art at the time of the invention that if there is a bid charge associated with each bid then there is a predetermined amount by which the bids must increment.

7. As per claim 4 Mori teaches a process as in claim 1, wherein there are service requests(col 2 lines 28-37). Mori fails to teach specifically a request is for print services. It would have been obvious to one skilled in the art at the time of the invention to apply the services offered at the auction process specifically to printing. The motivation for this is to teach an online auction process for printing services.

8. As per claim 5 Mori teaches a process as in claim 1, wherein the broker is an electronic broker operating at a node in an information exchange network(Fig 1/1101)(col 2 lines 28-29).

9. As per claim 6 Mori teaches a process as in claim 5, wherein the information exchange network is the Internet(col 2 lines 11-14).

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10. As per claim 13 Mori teaches a process for auctioning services requested by a buyer, comprising the steps of the buyer submitting a service request to a broker for auctioning(col 1 lines 47-58) the buyer specifying at the start of the auction the number N of best bids to be considered from the auction(col 1 line 59-col 2 line 7)(col 14 lines 10-34) the broker making the number N available to bidders(col 2 lines 1-3) the broker notifying the buyer of the identities of the N lowest bids(col 2 lines 8-12)(col 2 line 63-col 3 line 3) and the buyer selecting a bidder from one of the N lowest bids or choosing not to execute the job(col 2 line 4).Mori teaches that N can be a number up to 8(col 2 line 2) rather than any number. It would have been obvious to one skilled in the art at the time of the invention to allow N to vary arbitrarily. The motivation for this is to provide the widest possible auction for bidders and sellers.

11. As per claim 14 Mori teaches a process as in claim 13, wherein the broker does not allow the buyer to consider any bids greater than the Nth bid(col 2 line 2).

12. As per claim 15 Mori teaches a process as in claim 13, wherein the bidders can bid any amount.Mori teaches that bidders must beat an outstanding bid by more than a predetermined amount. Mori teaches that there is a bid charge associated with each bid made by the member(col 15 lines 2-4). Mori teaches a bid increment(Fig 19/2010). It would have been obvious to one skilled in the art at the time of the invention that if there is a bid charge associated with each bid then there is a predetermined amount by which the bids must increment.

13. As per claim 16 Mori teaches a process as in claim 13, wherein there are service requests(col 2 lines 28-37). Mori fails to teach specifically a request is for print services.It would have been

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obvious to one skilled in the art at the time of the invention to apply the services offered at the auction process specifically to printing. The motivation for this is to teach an online auction process for printing services.

14. As per claim 17 Mori teaches a process as in claim 13, wherein the broker is an electronic broker operating at a node in an information exchange network(Fig 1/1101)(col 2 lines 28-29).

15. As per claim 18 Mori teaches a process as in claim 17, wherein the information exchange network is the Internet(col 2 lines 11-14).

16. As per claim 20 Mori teaches a process for auctioning services requested by a buyer, comprising the steps of the buyer submitting a service request to a broker for auctioning(col 1 lines 47-58) the buyer specifying at the start of the auction the number N of best bids to be considered from the auction(col 1 line 59-col 2 line 7)(col 14 lines 10-34) the broker making the number N available to bidders(col 2 lines 1-3) the broker notifying the buyer of the identities of the N lowest bids(col 2 lines 8-12)(col 2 line 63-col 3 line 3) and the buyer selecting a bidder from one of the N lowest bids or choosing not to execute the job(col 2 line 4).Mori teaches that N can be a number up to 8(col 2 line 2) rather than any number. It would have been obvious to one skilled in the art at the time of the invention to allow N to vary arbitrarily. The motivation for this is to provide the widest possible auction for bidders and sellers.

17. As per claim 21 Mori teaches a process as in claim 20, further comprising the step of the broker making available to the bidders a buyer profile(col 6 lines 12-24)(col 7 lines 44-62)(col 9 lines 1-44). Mori fails to teach a buyer's rating, wherein said rating includes information on the

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buyer's follow-through of bids in prior auctions. Barzilai teaches a buyer's history of transactions (col 6 lines 1-26). It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Barzilai to teach the above. The motivation for this is to develop a database of the character of the bidders for certainty of bids.

18. As per claim 22 Mori teaches a process as in claim 20, wherein there are service requests (col 2 lines 28-37). Mori fails to teach specifically a request is for print services. It would have been obvious to one skilled in the art at the time of the invention to apply the services offered at the auction process specifically to printing. The motivation for this is to teach an online auction process for printing services.

19. As per claim 23 Mori teaches a broker system as in claim 20, further comprising means to communicate with an information exchange network, wherein the buyer and the bidders communicate with the broker system via the information exchange network (Fig 1/1101) (col 2 lines 28-29).

20. As per claim 24 Mori teaches a broker system as in claim 23, wherein the information exchange network is the Internet (col 2 lines 11-14).

21. As per claim 25 Mori teaches a network system for auctioning services, comprising: one or more nodes for buyers to access the network (col 2 lines 24-29) one or more nodes for bidders to access the network (col 2 lines 24-28) and a broker system for auctioning services requested by a buyer, comprising means for the buyer to submit a service request to a broker for auctioning (col 1 lines 47-58) and means for the buyer to specify at the start of the auction the number N of best

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bids to be considered from the auction(col 1 line 59-col 2 line 7) and means for the broker to make N available to bidders(col 2 lines 1-3) and means for the buyer to select a bidder from one of the N best bids(col 2 line 4).Mori teaches that N can be a number up to 8(col 2 line 2) rather than any number. It would have been obvious to one skilled in the art at the time of the invention to allow N to vary arbitrarily. The motivation for this is to provide the widest possible auction for bidders and sellers.

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22. Claims 7-12,19,26 are rejected under 35 USC 103(a) as unpatentable over Mori(US Pat. No: 6,044,363) in view of Barzilai(US Pat. No:6,012,045).

23. As per claim 7 Mori teaches a process as in claim 1, further comprising the step of the broker making available to the bidders a buyer profile(col 6 lines 12-24)(col 7 lines 44-62)(col 9 lines 1-44). Mori fails to teach a buyer's rating, wherein said rating includes information on the buyer's follow-through of bids in prior auctions.Barzilai teaches a buyer's history of transactions(col 6 lines 1-26).It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Barzilai to teach the above. The motivation for this is to develop a database of the character of the bidders for certainty of bids.

24. As per claim 8 Mori teaches a process for auctioning services requested by a buyer comprising the steps of the buyer submitting a service request to a broker for auctioning(col 2 lines 6-col 3 line 7) further comprising the step of the broker making available to the bidders a buyer profile(col 6 lines 12-24)(col 7 lines 44-62)(col 9 lines 1-44). Mori fails to teach a buyer's rating,



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wherein said rating includes information on the buyer's follow-through of bids in prior auctions. Barzilai teaches a buyer's history of transactions (col 6 lines 1-26). It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Barzilai to teach the above. The motivation for this is to develop a database of the character of the bidders for certainty of bids.

25. As per claim 9 Barzilai teaches a process as in claim 8, wherein the rating includes the number of service requests completed with respect to the number of service requests submitted in prior auctions (col 6 lines 1-26). It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Barzilai to teach the above. The motivation for this is to develop a database of the character of the bidders for certainty of bids.

26. As per claim 10 Mori teaches a process as in claim 8, wherein there are service requests (col 2 lines 28-37). Mori fails to teach specifically a request is for print services. It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Barzilai to teach applying the services offered at the auction process specifically to printing. The motivation for this is to teach an online auction process for printing services.

27. As per claim 11 Mori teaches a process as in claim 8, wherein the broker is an electronic broker operating at a node in an information exchange network (Fig. 1/1101) (col 2 lines 28-29). It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Barzilai to teach the above. The motivation for this is to develop a database of the character of the bidders for certainty of bids.

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28. As per claim 12 Mori teaches a process as in claim 11, wherein the information exchange network is the Internet(col 2 lines 11-14).It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Barzilai to teach the above. The motivation for this is to develop a database of the character of the bidders for certainty of bids.

29. As per claim 19 Mori teaches a process as in claim 13, further comprising the step of the broker making available to the bidders a buyer profile(col 6 lines 12-24)(col 7 lines 44-62)(col 9 lines 1-44). Mori fails to teach a buyer's rating, wherein said rating includes information on the buyer's follow-through of bids in prior auctions.Barzilai teaches a buyer's history of transactions(col 6 lines 1-26).It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Barzilai to teach the above. The motivation for this is to develop a database of the character of the bidders for certainty of bids.

30. As per claim 26 Mori teaches a network system for auctioning services, comprising one or more nodes for buyers to access the network(col 2 lines 24-29) one or more nodes for bidders to access the network(col 2 lines 24-28) and a broker system for auctioning services requested by a buyer, comprising means for receiving from the buyer a service request for auctioning(col 4 lines 11-24).Mori teaches a step of the broker making available to the bidders a buyer profile(col 6 lines 12-24)(col 7 lines 44-62). Mori fails to teach a means for making available to potential bidders a buyer rating, wherein said rating includes information on the buyer's follow-through of bids in prior auctions. Barzilai teaches a buyer's history of transactions(col 6 lines 1-26), wherein the potential bidders consider the rating in deciding on bidding and means for receiving bids from

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the bidders. It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Barzilai to teach the above. The motivation for this is to develop a database of the character of bidders for certainty of bids.

### *Response to Arguments*

31. Applicant's arguments filed 12/29/01 have been fully considered but they are not persuasive. The number of bids that buyers wants to see,  $B_s$  is a subset of the number of bids the buyer wants to place,  $B_p$ , so that  $B_s \leq B_p$ , so that  $B_s$  is derivable from  $B_p$ . Furthermore, Mori teaches mechanisms to display the auction rules and number of best bids the buyer wants to display (Fig 7)(Fig 11/913/917)(Fig 12/917)(Fig 13/917)(Fig 14/1207)(Fig 16)(Fig 17/1501/1508)(Fig 19). Furthermore, Barzilai teaches displaying the top N bids in a chart for review (Fig 6B/356)(col 17 lines 33-55). Barzilai also displays the service buyer's transaction history (Fig 4B/224)(col 11 lines 8-15) as well as previous charges (col 18 lines 16-20) from which a rating can be derived.

### *Conclusion*

32. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Questions concerning this communication should be directed to the examiner, Dr. Geoffrey Akers, P.E., who can be reached at (703)-306-5844 between the hours of 6:30 AM and 5:00 PM Monday through Friday. If attempts to contact the examiner are unsuccessful, the examiner's supervisor, Mr Vincent Millin, SPE, may be telephoned at (703)-308-1065.

GRA

January 3, 2002



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